USE OF REASONABLE FORCE AND RESTRAINT POLICY

Due consideration has been given to all children/adults/stakeholders with regard to the protected characteristics under the Equality Act 2010.

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Worlingham CEVC Primary School

USE OF REASONABLE FORCE AND RESTRAINT POLICY

This policy is based on the 2013 DFE Guidance on 'The use of Reasonable Force' for Headteachers, Staff and Governing Bodies in schools.

What is the aim of the policy?
The aim of this policy is to ensure that all pupils and adults at Worlingham CEVC Primary School are kept as safe as possible and any risks of injury are kept to a minimum. All adults have a duty of care to themselves and all other pupils and adults. This means that reasonable force or restraint may be used if a pupil is hurting themselves or another pupil or adult or if damage is taking place to the school which could result in further injury e.g. breaking glass windows etc.

1 What is reasonable force?

1.1 The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.

1.2 Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.

1.3 'Reasonable in the circumstances' means using no more force than is needed.

1.4 When force is used to control this means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

1.5 Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

1.6 At Worlingham CEVC Primary School, staff always try to avoid acting in a way that might cause injury if a pupil needs to be restrained, but in extreme cases it may not always be possible to avoid injuring the pupil.

2 Who can use reasonable force?

2.1 All members of school staff have a legal power to use reasonable force.

2.2 This power applies to any member of staff at our school. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

3 When can reasonable force be used?

3.1 There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

3.2 Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result.

3.3 Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

3.4 In school, force is used for two main purposes – to control pupils or to restrain them.

3.5 The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

3.6 Staff at Worlingham CEVC Primary School will always try to use a range of other strategies to minimise the risk of needing to use force or restraint such as distraction, time out or negotiation with the pupil.

3.7 If a pupil is asked to leave an area, due to their aggressive behaviour, and they refuse to move away to calm down, the rest of the pupils will be moved away from the situation to try to maintain their safety.

4 Reasonable force may be used at Worlingham CEVC Primary School in the following examples to:

4.1 remove disruptive children from the classroom where they have refused to follow an instruction to do so and it is not possible to remove the other pupils safely.

4.2 prevent a pupil behaving in a way that disrupts a school event or a school trip or visit.

4.3 prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.

4.4 prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and

4.5 restrain a pupil at risk of harming themselves through physical outbursts.

5 Reasonable force will never be used at Worlingham CEVC Primary School:

5.1 as a punishment – it is always unlawful to use force as a punishment. The children's own liberty will not be restricted unless there is an immediate threat of risk to life and the staff member is on the phone to the Police.

6 Power to search

6.1 In addition to the general power to use reasonable force described above, the headteacher and authorised staff (senior teachers as designated by the headteacher) can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items":

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

6.2 Force will not be used to search for items banned under the school rules, such as toys.

6.3 The member of staff conducting a search must be the same sex as the pupil, and there must be another member of staff present to witness, unless:

- The person doing the search believes there's a risk that serious harm will be caused if the search isn't urgently carried out, and
- In the time available, it's not reasonably practicable to use a staff member who is the same sex as the pupil or for a witness to be present

If the above is the case, the person doing the search should report it immediately Any searches for prohibited items will be recorded in our school's safeguarding reporting system.

7 Communicating our school's approach to the use of force

7.1 Worlingham CEVC Primary School has a clear behaviour policy and this policy is known to, and understood by, all staff. It is also shared with parents and pupils in school and on the school website.

7.2 There is no requirement to have a policy on the use of force but at Worlingham CEVC Primary School we feel that it is good practice to set out the circumstances in which force might be used. This policy is shared with staff and updated regularly.

7.3 At Worlingham CEVC Primary School we take into account our legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).

7.4 School staff have a duty of care to all pupils and other adults therefore we do not require parental consent to use force if required.

7.5 At Worlingham CEVC Primary School we understand that there are occasions when a member of staff may need to have contact with a pupil. Therefore, it is recommended that schools should not have a 'no contact' policy. There is a risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.

7.6 By taking steps to ensure that staff, pupils and parents are clear about when force might be used, our school will reduce the likelihood of complaints being made when force has been used properly. The SLT will review the incidents of using reasonable force to identify any patterns of behaviour.

8 Using Force

8.1 A panel of experts identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question include:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing.
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

8.2 Staff receive regular training on the theory and practical physical de-escalation training and staff will only use the procedures that they have been trained to use.

8.3 Pupils who are at a higher risk of needing to be physically restrained will have a comprehensive individual risk assessment in place that is regularly reviewed and updated and shared with relevant staff.

8.4 When restraint or force is required the school will record the incident in the 'Restraint Book' which is a bound book, that is stored securely in the Bursars office. This information will be shared with parents/carers.

9 Staff Training

9.1 At Worlingham CEVC Primary School we take training very seriously. All school staff are trained in the theory side of Restraint and Use of Force which includes how to de-escalate situations and minimise the risk of needing to restrain pupils. In addition to this, a large proportion of our staff are also trained in the Physical De-escalation training. Our school team discusses risk management regularly and ensures that vulnerable pupils have suitably qualified staff working with them, and in all year groups, across the school. When new staff join the school, we identify any relevant training that is required and provide this as soon as possible.

9.2 Our training programme meets the required standards and is planned on a rolling programme to ensure we are always fully covered. A register of all staff training is maintained by the deputy headteacher.

10 Telling parents when force has been used on their child

10.1 At Worlingham CEVC Primary School, in the event of a serious incident involving the use of force or restraint, school staff would always notify parents/carers. Staff will show that restraint was used as a last resort.

10.2 In deciding what is a serious incident, our teachers will use their professional judgement and consider the:

- pupil's behaviour and level of risk presented at the time of the incident.
- degree of force used.
- effect on the pupil or member of staff.
- the child's age; and
- whether the pupil has any special educational needs or disabilities.

11 What if a pupil complains when force is used on them?

11.1 All complaints about the use of force will be thoroughly, speedily and appropriately investigated by the Headteacher / Governing Body.

11.2 Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

11.3 The DFE guidance states that when a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

11.4 It is recommended by the DFE that suspension must not be an automatic response if a member of staff has been accused of using excessive force. The Headteacher will refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought. As a school, we would seek further advice from Suffolk County Council in any such matter.

11.5 The Headteacher / Governing Body will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

11.6 If a decision is taken to suspend a teacher, the school will ensure that the teacher has access to a named contact who can provide support.

11.7 The Governing Body will always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

11.8 As employers, schools and local authorities have a duty of care towards their employees. Our school will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

12 What about other physical contact with pupils?

12.1 It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

12.2 Some examples of where touching a pupil might be proper or necessary at Worlingham CEVC Primary School may include:

- Holding the hand of the child at the front/back of the line when going to the hall or when walking together around the school.
- When comforting a distressed pupil.
- When a pupil is being congratulated or praised.
- When supporting a child to walk safely on a school visit such as to the church.
- To demonstrate how to use a musical instrument or a tool in Design technology.
- To demonstrate exercises or techniques during PE lessons or sports coaching.
- To give first aid.

13 What about the use of force with pupils with SEN or disabilities?

13.1 At Worlingham CEVC Primary School, force may be used with pupils with SEN or disabilities but the judgement on whether to use force should not only depend on the

circumstances of the case but also on information and understanding of the needs of the pupil concerned.

14 What about the use of force or restraint while on a school trip or residential visit?

14.1 The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips. In the cases of all trips and residentials, a detailed risk assessment is written by the trip leader. Part of this risk assessment will include the risk of particular pupils who may find it difficult to manage their behaviour in an appropriate and safe manner. A detailed plan will be put in place for such pupils and additional adults will attend to support these pupils. Telephone contacts for parents and carers are always taken on visits so that they can be contacted if needed.

15 Further information can be obtained by reading the full document 2013 DFE Guidance on 'The use of Reasonable Force' for Headteachers, Staff and Governing Bodies in schools.

WORLINGHAM CEVC PRIMARY SCHOOL

SAFEGUARDING STATEMENT TO ACCOMPANY POLICY DOCUMENTS

Throughout this policy runs our commitment to safeguarding the well being of all our pupils at Worlingham CEVC Primary School. The values, beliefs and ethos of Worlingham Primary School are shared by all members of staff and the adherence to the guidance as stated in the school's Safeguarding Policy is of paramount importance.

The well being and safety of pupils has a positive impact on their attendance, behaviour, their own Health and Safety, learning within the school environment as well as on educational visits.

Throughout the curriculum children are taught how to manage risk and how to keep themselves safe. The children know that if they need help they can talk to a member of staff at school. Children are taught how to keep themselves safe whilst using ICT equipment and are instructed to report any inappropriate material to the member of staff leading the session.

Children who have an identified SEN which creates difficulties with communication may need additional support in expressing concerns to a member of staff. Staff will need to follow the guidance in the safeguarding policy when dealing with a disclosure, taking into account the ability of the individual.